

CITY OF EVANS, COLORADO

ORDINANCE NO. 718-20

**AN ORDINANCE APPROVING A MINOR REPLAT TO ALLOW FOR VACATION
OF RIGHT-OF-WAY FOR PROPERTY GENERALLY REFERRED TO AS 14822
WELD COUNTY ROAD 396**

WHEREAS, the City Council of the City of Evans, Colorado, (the "City Council") pursuant to Colorado statute and the Evans City Charter, is vested with the authority of administering the affairs of the City of Evans, Colorado (the "City"); and

WHEREAS, Varra Companies, Inc., is the owner of certain property located within the City of Evans and more specifically described on Exhibit A, attached ("the Property"); and

WHEREAS, the Applicant has filed an application with the City asking, in part, to vacate the 30-foot wide road right-of-way as described in document recorded October 14, 1889 in Book 86 at Page 273 as Reception No. 34283 in the Records of the Clerk and Recorder for Weld County; and

WHEREAS, the Applicant will incorporate this vacated right-of-way into their property, more specifically described on Exhibit A, attached ("the Property"); and

WHEREAS, staff has reviewed the Application and deemed it to be complete; and

WHEREAS, staff has reviewed the Application and deemed it to satisfy all requirements for a Minor Replat under the Evans City Code, including but not limited to Section 18.07.120.D; and

WHEREAS, the matter has been submitted to the required referral agencies for comment and staff has determined that the Applicant has adequately addressed concerns raised by the referral agencies; and

WHEREAS, the posting and notification requirements found in Section 18.10.10 have been followed; and

WHEREAS, the prerequisites for approving a Vacation of an easement or right-of-way to be considered by City Council in determining whether to approve an application to vacate a right-of-way are set forth in Section 18.07.120.E.1.A; and

WHEREAS, based on the Application, referral comments, staff report, representations by the Applicant, and public comment, the City Council considered the criteria set forth above and made motion on the application set forth above and made motion subject to the conditions set forth below.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EVANS, COLORADO AS FOLLOWS:

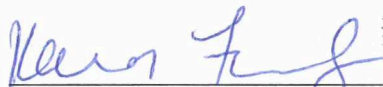
1. The Right-of-Way more specifically described on Exhibit A has been vacated.
2. The Council's approval is subject to the following conditions, all of which shall be satisfied prior to recording the Replat.
 - a. The applicant shall provide the City with information confirming the City is the only easement or Right-of-Way holder to be impacted. If other entities are impacted by this review, the applicant shall provide evidence all parties have been notified.

- b. A replat shall be prepared in accordance with Section 18.07.120.F.1 as well as 18.07.090.E.4 and be supplied to the City Planner for review.
- c. The following notes shall be placed on the plat:
 - i. Approval of this plan may create a vested property right for Phase 1 pursuant to Article 68 of Title 24 C.R.S., as amended.
 - ii. Certification blocks including those for Surveyor, Property Owner, Owners of the Right-of-Way to be vacated, Mayor with City Clerk's attesting, and Community Development Director.


1. Severability. If any article, section, paragraph, sentence, clause, or phrase of this Resolution is held to be unconstitutional or invalid for any reason such decision shall not affect the validity or constitutionality of the remaining portions of this Resolution. The City Council hereby declares that it would have passed this resolution and each part or parts thereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.
2. Repeal. Existing ordinances or parts of ordinances covering the same matters embraced in this ordinance are hereby repealed and all ordinances or parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed except that this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the effective date of this ordinance

PASSED AND ADOPTED ON FIRST READING AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF EVANS ON THIS 2nd DAY OF JUNE, 2020.

ATTEST:



Karen Frawley, City Clerk

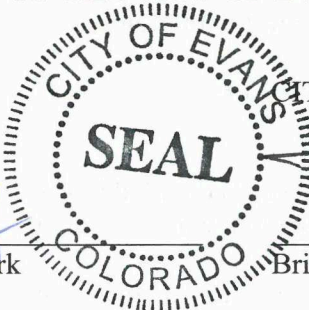



Brian Rudy, Mayor

PASSED AND ADOPTED ON SECOND READING AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF EVANS ON THIS ____ DAY OF JUNE, 2020.

ATTEST:


Karen Frawley, City Clerk




Brian Rudy, Mayor

LEGAL DESCRIPTION
Legal Description of Right-of-Way to be Vacated

All that portion of the 30 foot wide road right-of-way as described in document recorded October 14, 1889 in book 86 at page 273 as Reception No. 34283 in the Records of the Clerk and Recorder for Weld County, Colorado, being a portion of the North 1/2 of Section 3, Township 4 North, Range 66 West of the 6th p.m., in the City of Evans, County of Weld, State of Colorado, described as follows:

The West 30 feet of the Northwest 1/4 of Section 3, Township 4 North, Range 66 West of the 6th p.m., County of Weld, State of Colorado.

and;

The North 30 feet of the Northwest 1/4 and the Northeast 1/4 of Section 3, Township 4 North, Range 66 West of the 6th p.m., County of Weld, State of Colorado.

